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PATENT COOPERATION TREATY

REC'D 09 JUN 2005

From the
INTERNATIONAL SEARCHING AUTHORITY

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To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)Applicant's or agent's file reference
see form PCT/ISA/220**FOR FURTHER ACTION**
See paragraph 2 belowInternational application No.
PCT/GB2005/000684International filing date (day/month/year)
24.02.2005Priority date (day/month/year)
26.02.2004International Patent Classification (IPC) or both national classification and IPC
B02C2/04Applicant
EXTEC SCREENS & CRUSHERS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/GB2005/000684

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2,6-8,10
	No: Claims	1,3-5,9
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re. Item VIII

The term "a small lateral extent" used in claim 1 is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear (Article 6 PCT). However, in order to speed up the procedure, the examination has been carried out in the line of the description with the motor (14) being mounted co-axial with the drive shaft (15) and the greatest radial extent of the motor (14) being less than the greatest radial extent of the eccentric (9).

Re. Item V

1. Prior Art

The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

- D1: GB 482 825 A (I. G. FARBENINDUSTRIE AKTIENGESELLSCHAFT) 5 April 1938 (1938-04-05)
- D2: FR 602 112 A (ALLIS-CHALMERS MANUFACTURING COMPANY) 12 March 1926 (1926-03-12)
- D3: DE 11 57 459 B (ESCH-WERKE K.G. MASCHINENFABRIK UND EISENGIESSEREI) 14 November 1963 (1963-11-14)
- D4: FR-A-1 537 210 (ALLIS-CHALMERS MANUFACTURING COMPANY) 23 August 1968 (1968-08-23)

2. Claim 1 (Novelty)

D1 describes unambiguously a cone crusher comprising:

- a bowl (f) having a concave liner,
- a head (a) having a mantel,
- a drive train coupled with the head (a)
- a drive shaft (d)
- an eccentric (c)

as defined in claim 1.

Furthermore, the drive motor (e) of D1:

- is mounted co-axial with the drive shaft (d) and
- has its greatest radial extent being less than the greatest radial extent of the eccentric (c) (**Fig.1**).

Since D1 discloses all the features of claim 1, its subject-matter can therefore not be considered as novel in the sense of article 33(1) and (2) PCT.

3. Dependent claims 2-10

The additional features introduced by claims 3-5 and 9 are also known from D1.

A combination of them together with those of claim 1 seem not to contribute to novelty (Article 33(1) and (2) PCT).

The additional features introduced by claims 2 and 6-8 are perfectly known either from D2, D3 or D4 for similar purposes. A combination of them together with those of claim 1 seem not to contribute to the required inventive step (Art.33(1) and (3) PCT).

Those of claim 10 seem to be only routine design measures perfectly known from the person skilled in this particular field.

It is not recognisable what of claim 10 contributes a technical effect suitable for substantiating the requisite inventive step (Art.33(1) and (3) PCT).

4. Industrial applicability

The industrial applicability is obvious (Art.33(1) and (4) PCT).

Re. Item VII

To meet the requirements of Rule 5.1(a)(ii) PCT the document D1 should be identified in the description and its relevant contents should be indicated. The applicant should ensure

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AUTHORITY (SEPARATE SHEET)**

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that it is clear from the description which features of the subject-matter of independent claim 1 are known from D1.

Independent claims 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT). It should therefore be redrafted accordingly.